

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DAVID E. POEHLER,)	
Plaintiff)	
)	
v.)	C.A. 04-30254-MAP
)	
JOHN E. POTTER,)	
POSTMASTER GENERAL,)	
UNITED STATES)	
POSTAL SERVICE,)	
Defendant)	

MEMORANDUM AND ORDER REGARDING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
(Dkt. No. 16)

October 4, 2006

PONSOR, D.J.

Counsel appeared for argument on Defendant's Motion for Summary Judgment on September 29, 2006. At the close of the argument, the court indicated it would be allowing Defendant's motion. The court's reasons were set out in detail orally following argument.

In sum, the court finds that any claim for substantive discrimination based either upon gender or age is barred under the applicable limitations period. No equitable tolling can rescue Plaintiff's claims from summary judgment.

With regard to the claim for retaliation, the record would not support any jury in concluding that Plaintiff suffered an "adverse employment action" following invocation of his rights under the anti-discrimination statutes, or

that any action on the part of Defendant was prompted by any sort of discriminatory motive. The clerk will enter judgment for Defendant on all counts. This case may now be closed.

It is So Ordered.

/s/ Michael A. Ponsor

MICHAEL A. PONSOR

U. S. District Judge